



Crl.O.P.No.6417 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Babu

2. Vimalraj

3. Kishore

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pallapatty Police Station,
Salem District.

(Crime No.59 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.59 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.S.J.Raja Janakiraman

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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complainant stated that the petitioners have disclosed their names during the occurrence, which would show it is a foisted case. He further submitted that the petitioners are in custody from 01.02.2023 and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused have waylaid the de-facto complainant and robbed a sum of Rs.1900/- from him at knife point and also intimidated him. He further submitted that only a sum of Rs.600/- was recovered from the accused and also submitted that investigation is still pending. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering



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the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Salem**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Neyveli and report before the Inspector of Police, Neyveli Township Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance



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with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

21.03.2023

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To

1. The Judicial Magistrate-II,
Salem.
2. The Inspector of Police,
Pallapatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Neyveli Township Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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